



Defense Institute of Security Assistance Management

International Programs Security



Objectives

- **International Visits**
- **International Transfers**
- **Defense Security Service (DSS)**
- **Foreign Government and NATO Classified Information**
- **CFIUS and FOCI**



Defense Institute of Security Assistance Management

International Visits & Assignments



International Visits

- **International Visits Program (IVP)**
- **Defense Personnel Exchange Program (DPEP)**
- **Foreign Liaison Officer (FLO) Program**
- **Cooperative Program Personnel**



**“OK, folks,
today we
tour the
highly
classified,
top secret
areas of
our
Defense
Departmen**

**“JAKE”
SCHUFFERT**



International Visits Program (IVP)

- **Controls and facilitates visits by foreigners to DoD and contractor facilities**
- **Covers visits by DoD personnel and US contractors to foreign countries**
- **Uses automated system for processing requests through Defense Visit Offices (DVOs)**
- **Reference is DoDD 5230.20, *“Visits, Assignments and Exchanges of Foreign Nationals”***



Purposes of Visit Requests

- **Facilitate administration (scheduling)**
- **Authorize disclosure / export**
- **Provide security assurance (if classified - clearance, Need To Know, government sponsorship)**





Types of Visits

- **One-time** (single; usually less than 30 days; for a specific purpose)
- **Extended** (single; up to one year; supports government approved program or contract)
- **Recurring** (intermittent; up to one year; supports government approved program or contract)

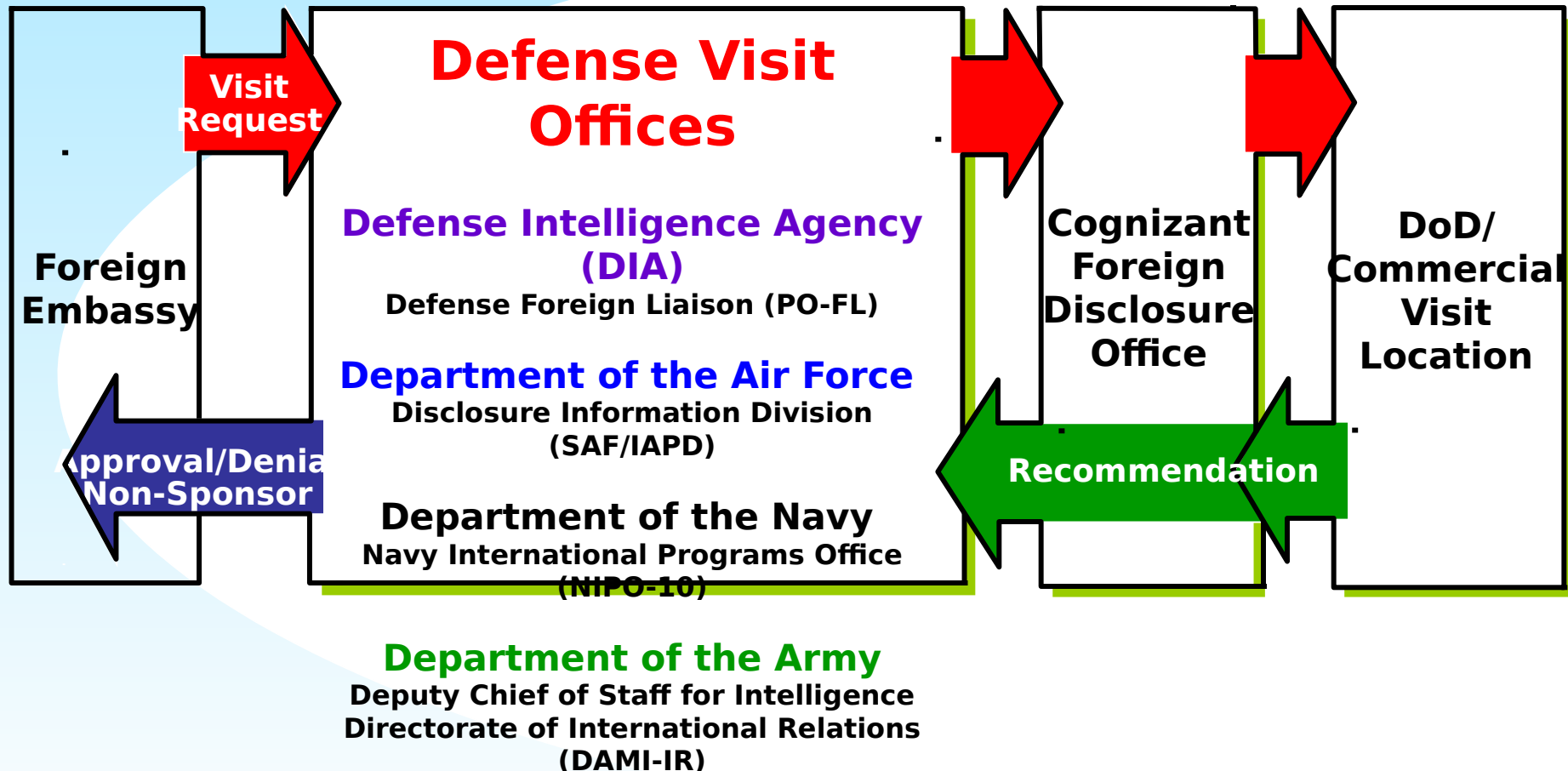


Foreign Visitor to DoD or Contractor

- **Embassy of foreign visitor submits Request for Visit Authorization (RVA) to appropriate Defense Visit Office (DVO)**
- **Each Military Dept has a DVO**
- **Defense Intelligence Agency is the DVO for OSD, Joint Staff, Defense Agencies and contractors**



Visit Request Process





RVAs not Necessary - Contractor

- **Unclassified info is not subject to export controls (Public Domain info)**
- **Unclassified info for which contractor has export license / no contract requirement; visit has no direct impact on DoD activities**
- **Visitor is foreign national employee of US contractor (NISPOM Chapter 6)**



RVAs not Necessary - DoD

Facility or event is open to public.





Other Visit Request Processes

- **Hosted Visits - DoD invites foreign national; worked through appropriate DVO**
- **Emergency Visits - legitimate purposes only; no amendments**
- **Amendments - change to LATER date and / or list of visitors; NO change to purpose or information**



Assignment of Foreign Nationals

- **Foreign Liaison Officers - represent their governments.**
- **Exchange Officers - work for US supervisor, but not “integrated.”**
- **Can’t be both.**



Assignments of US Personnel & Foreign Nationals

- **Defense Personnel Exchange Programs:**
 - **Military Personnel Exchange Program (MPEP)**
 - **Engineer and Scientist Exchange Program (ESEP)**
 - **Administrative Personnel Exchange Program (APEP)**
 - **Defense Intelligence Personnel Exchange Program (DIPEP)**



Defense Personnel Exchange Programs

- **Cannot substitute for FLO**
- **Not a conduit for exchange of tech data**
- **Cannot be assigned to positions requiring access to information not available to the parent nation**
- **Cannot be assigned to contractor facilities**



Defense Personnel Exchange Programs

- **Will not be given Security responsibilities**
- **No permanent custody of classified or controlled unclassified information**
- **No uncontrolled access to libraries, document catalogs or U.S. government computer systems unless the information is releasable to the public**
- **No uncontrolled access to restricted areas**



DoD Personnel to Foreign Government / Contractor

- **Policy - DoDD 4500.54, “Official Temporary Duty Travel Abroad”, and DoD 4500.54-G, “Foreign Clearance Guide (FCG)”**
- **DoD component appoints responsible official and follows FCG**
- **All CMI and CUI to be taken to the foreign country must be cleared IAW DoDD 5230.11 and DOD 5200.1-R.**
- **Normally 30 days advance notice, but may be longer depending on the country to be visited.**



DoD Personnel to Foreign Government / Contractor

- **Theater Clearance - visits to a US military facility overseas**
- **Country Clearance - visits to a host government or contractor facility for classified discussions approved by host government**



Defense Institute of Security Assistance Management

International Transfers



Government to Government Principle

The 2 activities associated with International Programs that are based on the “government to government” principle:

- **Disclosure/Export decisions**
- **Transfers** of classified information and material is Government to Government

2



Government to Government Transfer

- **Through official government channels or channels approved by the responsible governments**
- **Government accountability and control maintained until custody is officially transferred and recipient government assumes responsibility**
- **Designated Government Representatives (DGR)**
- **Security assurance**



International Transfers of Classified Material

- **U.S. Government control & accountability until officially transferred to the recipient government- even if title has transferred**
- **Transfer must be by government-to-government channels, or other channels mutually agreed by governments.**
 - **Military Postal System**
 - **DoS Diplomatic Pouch Service**
 - **Defense Courier Service**
 - **Other official Government courier (including recipient government)**



International Transfers of Classified Material

- **Contractor transfer arrangements require:
Designated Government Representatives
(DGRs)**
 - **Foreign DGR appointed by his/her
government**
 - **U.S. DGR must be a Government employee,
usually Defense Security Service (DSS) or
Defense Contract Management Agency
(DCMA) representative**



International Transfers of Classified Material

- **Written instructions required:**
 - **Non-Government Transportation: Transportation Plan required**
 - **Government Transportation: Written Instructions (same detail as Transportation Plan)**
- **Receipt required for all classified material.**
 - **Exception - Foreign Government Restricted info (like FOUO)**
- **Top secret always through government courier or government approved electronic communications.**



Delivery of Classified Material to Foreign Customer Within the U.S.

- **Hand carry by DoD - confidential and secret material (per *DoD Regulation 5200.1-R, Information Security Program*)**
- **Hand carry by contractor- confidential and secret (per *National Industrial Security Program Operating Manual (NISPOM)*)**
- **U.S. Postal Service registered mail or**
- **U.S. Government Courier Service**



Delivery of Classified Material to Foreign Customer Outside the U.S.

- **U.S. Military Postal Service registered mail**
- **Diplomatic pouch**
- **U.S. Government Courier Service to a U.S. Government activity for delivery to recipient foreign government**
- **Hand Carry by U.S Government employee**
- **Hand Carry by Contractor, by complying with**
 - **MISWG document #1**
 - **NISPOM**
 - **Approved by Cognizant Security Office (DSS)**



Unsuitable for Courier or Hand Carry (Freight)

- **FMS - Shipped via Defense Transportation System (DTS)**
 - **DoD executing agency provides shipping instructions in collaboration with purchaser**
 - **Component regulation provides most instructions**
 - **Supplementary guidance**
 - **e.g. freight forwarders, carrier, routes, etc.**
- **FMS - DTS Not Used**
 - **Transportation plan required**
 - **Compliance with NISPOM, and MISWG #10**



Freight Forwarders Handling Classified Material

- **Freight forwarder must be cleared by Defense Security Service (DSS)**
- **Must be under contract to:**
 - **U.S. Government agency**
 - **U.S. contractor, or**
 - **Recipient foreign government**
- **Freight forwarder must be identified in the signed LOA for FMS or in the license application for DCS**



DEFENSE SECURITY SERVICE (DSS)



**Role in
International Programs**



DSS Principal Missions

Industrial Security Program

***Personnel Security
Investigations Program**

Security Training

***Moving to OPM**



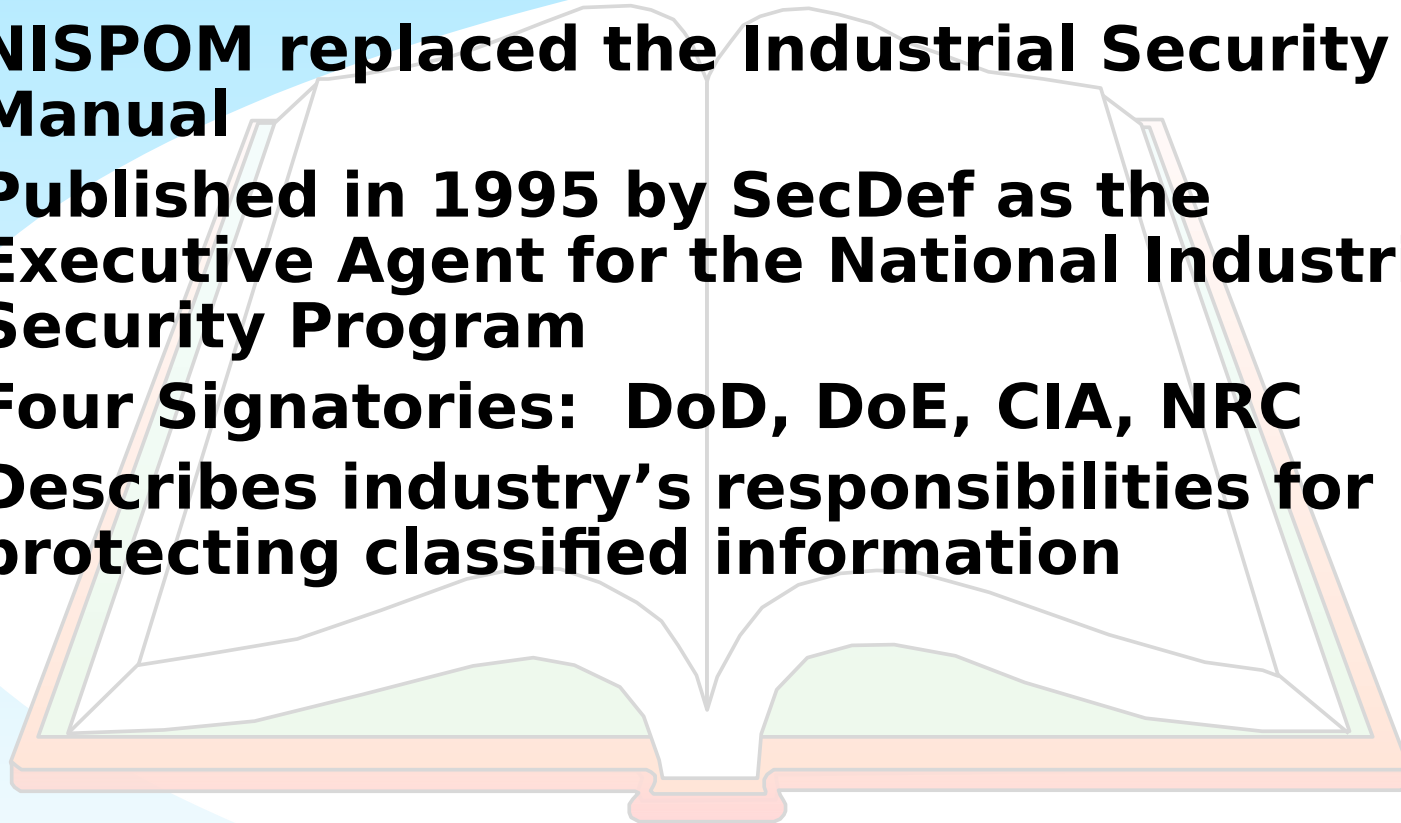
Defense Security Service Industrial Security Mission

- **Administers the National Industrial Security Program (NISP) on behalf of USD (I)**
- **Provides Government Contracting Agencies (GCAs) with assurance that the contractor is both eligible to access and has a system in place to properly safeguard any classified information for which it is entrusted**



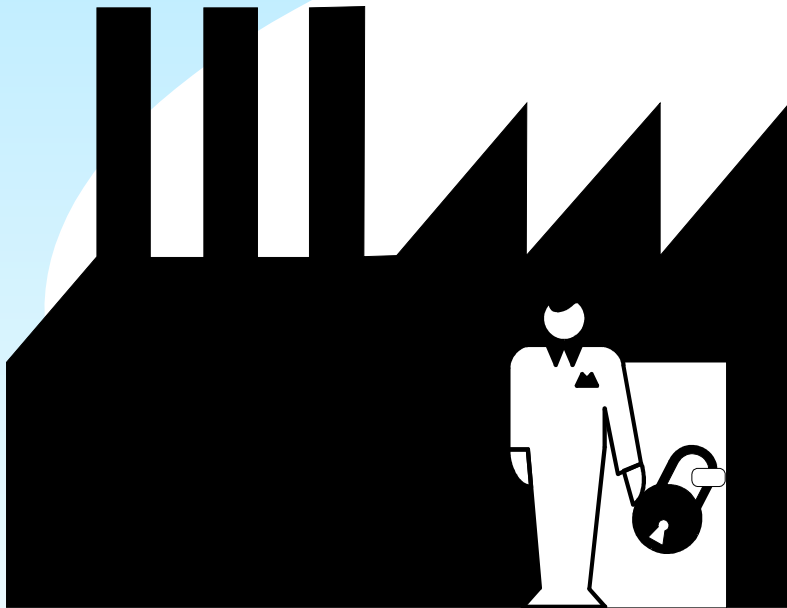
National Industrial Security Program Operating Manual (NISPOM)

- **NISPOM replaced the Industrial Security Manual**
- **Published in 1995 by SecDef as the Executive Agent for the National Industrial Security Program**
- **Four Signatories: DoD, DoE, CIA, NRC**
- **Describes industry's responsibilities for protecting classified information**





Industrial Security Objectives:



- ◆ **Deter and/or detect unauthorized access to classified information in industry**
- ◆ **Counter the threat posed by traditional adversaries and others who target U.S. classified information in industry**



Industry Participation in NISP:



- ◆ **Access to classified information**
- ◆ **Sponsorship**
- ◆ **Facility Security Clearance (FCL)**
- ◆ **Compliance with the NISP Operating Manual (NISPOM)**



Essential Elements of an FCL



- **Sponsorship**
- **Organizational Structure**
 - **Key Management Personnel**
 - **Foreign Ownership Control or Influence (FOCI)**
- **Personnel Clearances**
- **Storage Capability**
- **Security Agreement**



Authority For The DSS Role

- **AECA/ITAR - export security requirements**
- **Industrial Security Annexes - U.S. implementing agency**
- **NATO security regs**
- **NISPOM - DSS maintains oversight - assures compliance at cleared facilities**





DSS International Products and Services

- **AECA license validation (classified)**
- **Foreign visitors/employees and Technology Control Plans (TCP)**
- **Review/approval of classified information transfers**
- **Facility/personnel clearances**
- **Monitor security compliance**
- **Program Protection Planning**
- **Overseas operations**
- **Counter Intelligence (CI) Security Awareness and Training**

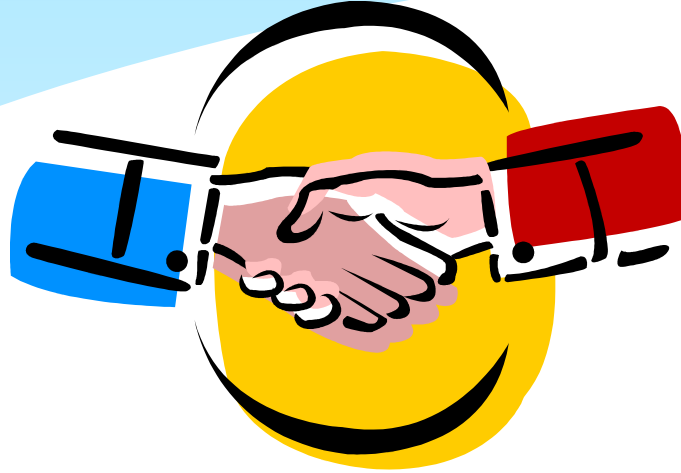


Technology Control Plan

- **Identifies what is to be protected**
- **Controls access**
- **Controls equipment**
- **Requires training plan for employees**
- **Indoctrinates foreign personnel**
- **Identifies program monitor**



Government - to - Government Transmissions & Transfers



- **Require valid export licenses**
- **Require compliance with approved
Transportation Plans**



CONTENTS

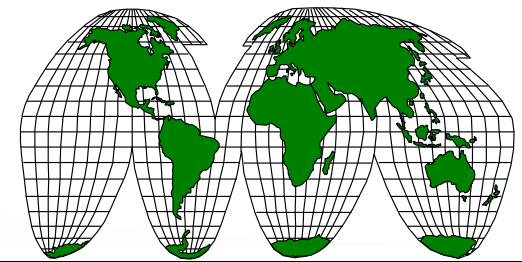
- **Access Control Measures**
 - **Physical protection**
 - **Make the foreign national visible**





Overseas Operations

- **NISPOM; Chapter 10**
- **Contractor Overseas Operations**
 - **Assignment of Foreign Nationals**
 - **Storage**
 - **Employee assignment notification and briefings**
- **Defense Industrial Security Clearance Office (DISCO)**
- **Office of Security Services International (OSSI)**



DSS

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[What's New](#)

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[DCII](#)

[Counterintelligence](#)

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New's Flash!

- [Contractors May Now Fax Releases With EPSQs](#)
- [New DSSA Level 1 Antiterrorism Awareness Training](#)



Please read the [Security and Privacy](#) and [508 Accessibility](#) Notice



Internet



Defense Institute of Security Assistance Management

Foreign Government & NATO Information



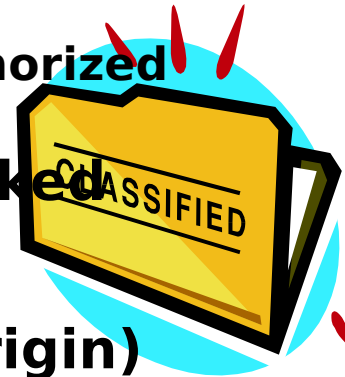
Foreign Government Information (FGI)

- **Is provided by a foreign government or international organization, or is jointly produced**
- **Foreign owner expects that the information will be held “in confidence”**



FGI Markings

- **Generally parallel US security classification (TOP SECRET, SECRET, CONFIDENTIAL)**
- **Some have fourth level (RESTRICTED or CUI provided “in confidence”)**
 - **Marked to identify the originating government and whether it is restricted or “in confidence”**
 - **Marked “CONFIDENTIAL” Modified Handling Authorized**
- **US documents containing FGI must be marked**
- **“THIS DOCUMENT CONTAINS (country of origin) INFORMATION”**





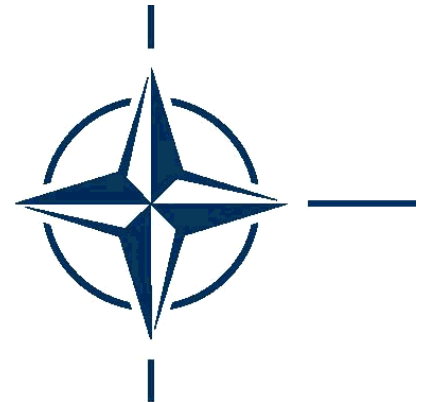
Handling FGI

- **Based on NATO standards**
- **Storage - same, but separate**
- **Access - need to know**
- **Transmittal - generally same (no commercial express), but receipts for international; originator may waive for Restricted**
- **Records - TS, S, C (receipt & dispatch)**



NATO Program

- ***Usually commonly funded***
- **Managed by a NATO agency**
- **Governed by NATO security regulations**
- **EXAMPLE: NATO AWACS**





NATO Members

Membership (26 total):

**Belgium
Bulgaria
Canada
Czech Rep
Denmark
Estonia
France
Germany
Greece**

**Hungary
Iceland
Italy
Latvia
Lithuania
Luxembou
rg
Netherlan
ds
Norway**

**Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Turkey
United
Kingdom
United
States**



NATO

Information

- **Is all information circulated within NATO, whether such information**
 - **Originates in NATO civil or military bodies**
 - **Is received from member nations**
 - **Is received from non-NATO sources**



NATO

Classifications

- **COSMIC TOP SECRET (CTS)**
- **NATO SECRET (NS)**
- **NATO CONFIDENTIAL (NC)**
- **NATO RESTRICTED (NR)**

ATOMAL identifies US Restricted Data (RD) & Formerly RD and UK ATOMIC



Disclosure of NATO Information

- **Once disclosed to NATO, it loses its U.S. identity and is marked as NATO information**
- **Thereafter, access, dissemination, and safeguarding are accomplished in accordance with NATO procedures**
- **Info remains the property of the entity that originated or furnished it**



Access requirements

- **Requisite national clearance**
- **Need-to-Know**
- **Briefing**
- **NATO organization, staff, command or agency approves of access**
- **None for Restricted**
- **Information no longer needed, debrief**





NATO Security Agreement

- **NATO members obligated to comply with NATO security procedures by virtue of signing the Security Agreement**
- **NATO security regulation C-M(2002)49**
 - **Comply with minimum standards and provide common degree of protection**
 - **US accountability less than NATO specifies; US issues separate procedures for handling NATO information**



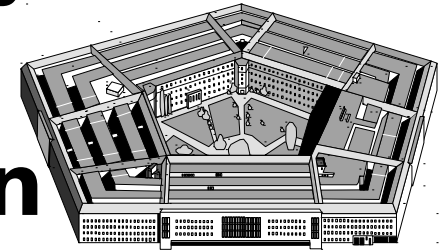
NATO Security Agreement

- **Each NATO member must appoint National Security Authority (NSA)**
 - **US Secretary of Defense Title “United States Security Authority for NATO Affairs” (USSAN)**
 - **Has responsibility to implement NATO Security Authority**
- **NATO requires main distribution point for receipt and distribution of NATO documents**
 - **Central US Registry (CUSR)**



Central US Registry (CUSR)

- **Department of the Army is Executive Agent**
- **Located in the Pentagon**
- **Establishes sub-registries and control points within other departments and agencies**
- **Accounts for COSMIC TOP SECRET, NATO SECRET and ATOMAL**





Disposition of NATO Information

- **Hand Carry**
 - **Same requirements as U.S.**
 - **NATO courier certificates and briefings required**
- **Destruction of NATO information**
 - **Same manner as U.S.**
 - **COSMIC TOP SECRET & NATO SECRET must be witnessed and recorded**
 - **Destruction records not required for NATO CONFIDENTIAL and NATO RESTRICTED information**



Multinational Industrial Security Working Group (MISWG)

- **Ad hoc group comprised of NATO countries (less Iceland) including Sweden, Switzerland and Austria, to develop standard security procedures and practices for multi-national programs.**
 - **Expanding to EU/PfP and other countries**
- **Currently 19 MISWG documents in effect**
 - **Listed in DUSD (PS) IPS Handbook**
 - **Provide base-line multilateral agreements on international security.**



MISWG Documents

- **MISWG # 1: “Arrangements for International Hand Carriage of Classified Documents, Equipment and/or Components”**
- **MISWG # 5: “Program Security Instruction”**
- **MISWG # 7: “International Visits”**
- **MISWG # 10: “Transportation Plan”**
- **MISWG # 11: “Control of Security Cleared Facilities”**
- **MISWG # 13: “Automated Data Processing (ASP) Security Plan”**
- **MISWG # 15: “International Transfer by Commercial Carriers of Classified Documents and Equipment or Components as Freight”**



***Committee on Foreign
Investment in the
U.S. (CFIUS)
Foreign Ownership,
Control, or Influence
(FOCI)***



EXON-FLORIO

1988 Amendment to Omnibus Trade and Competitiveness Act (Exon-Florio) that amends 1950 Defense Production Act:

Authorizes President to investigate and suspend or prohibit foreign acquisitions, mergers and takeovers, if a foreign interest might threaten national security by virtue of its control over a U.S. company.



EXON-FLORIO

However, the President must find:

- **Credible evidence that a foreign interest might take action to threaten or impair national security.**
- **Provisions of law, other than EXON-FLORIO and International Emergency Economic Powers Act, are not adequate to protect National Security.**



Committee on Foreign Investment in the U.S. (CFIUS)

Exon-Florio mandates

- **Mandatory investigation in the case of foreign government control**
- **Bars foreign controlled entities from entering into contracts requiring access to “proscribed information”**
- **Intelligence risk assessments if possible diversion of critical military technologies**



CFIUS Implementation

**Presidential responsibility for implementation of
Exon-Florio delegated to CFIUS**

- **Eleven general members (Treasury Chairs) but other interested departments may participate as well**
- **DoD representative is from DTSA**

DoD emphasis is on

- **Contracts involving CMI**
- **Sole Source supplier to DoD**
- **Impact on defense industrial base**

**Presidential action requires written report to
Congress**



CFIUS Membership

- **Treasury (Chair)**
- **Defense**
- **State**
- **Justice**
- **Commerce**
- **U.S. Trade Rep**
- **Council of Economic Advisors**
- **Office of Management and Budget**
- **Office of Science and Technology Policy**
- **Ass't to President for National Security Affairs**
- **Ass't to President for Economic Policy**



EXON-FLORIO Procedures

- **CFIUS has 30 days after notification to initiate investigation**
- **Investigation must be completed in 45 days**
- **President has 15 days to decide**
- **Report to Congress**



Foreign Ownership, Control or Influence (FOCI)

A foreign interest has the power to direct or decide matters affecting the management or operations of a company in a manner that may result in unauthorized access or adversely affect the performance of classified contracts.



FOCI Risk Factors

- **Foreign intelligence threat**
- **Potential for unauthorized technology transfer**
- **Past compliance with laws, regulations, & contracts**
- **Current agreements between U.S. and foreign nation**



FOCI Determination

- **If FOCI determination made:**
 - **Cancel or suspend facility clearance**
 - **Company must agree to negate or mitigate risks**
- **Company required to provide input to Defense Security Service - both parties develop plan to mitigate risks**



FOCI - Risk Negation

- **Voting Trust Agreement or Proxy Agreement**
 - **Voting rights of owners vested in U.S. citizens (approved by U.S. government)**
 - **Matters on classified & sensitive info delegated to Government Security Committee (GSC)**
 - **Technology control plan and enhanced visit procedures required**
 - **Positions requiring U.S. clearances are filled by U.S. citizens**
 - **No influence on the types of contracts that can be awarded**



FOCI - Risk Mitigation

- **Board Resolution - Mitigates risk when foreign interest does not own stock sufficient to be on board of directors**
- **Special Security Agreement - U.S. company is foreign owned or controlled**
- **Security Control Agreement - U.S. company is not majority owned by foreign interest, but controls are necessary beyond those of board of resolution**
- **Limited facility clearance - Classified access is necessary to perform a foreign government contract or joint venture**



Summary

- **Multilateral regimes**
- **Multinational Industrial Security Working Group (MISWG) Documents**
- **International Transfers**
- **Defense Security Service (DSS)**
- **Technology Control Plan (TCP)**
- **International Visits**
- **Foreign Government and NATO Classified Information**
- **CFIUS and FOCI**



Defense Institute of Security Assistance Management

International Programs Security